

Docket No.: 0102258.00170US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph LOSCALZO et al. Confirmation No.: 2830

Application No.: 10/687,706 Art Unit: 1657

Filed: October 20, 2003 Examiner: K. C. Srivastava

Title: METHODS OF TREATING VASCULAR DISEASES
CHARACTERIZED BY NITRIC OXIDE INSUFFICIENCY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY CLAIM

UNDER 37 C.F.R. § 1.78(a)

Applicants hereby submit this petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional applications, as provided under 37 C.F.R. §1.78(a). In the accompanying amendment under 37 C.F.R. §1.312, Applicants have amended the specification to contain the reference to the earlier-filed provisional applications in the first sentence following the title, as required under 37 C.F.R. §1.78(a)(5).

As shown in the amendment, the instant application claims priority to U.S. Application No. 09/697,317 and PCT/US00/29528, both filed October 27, 2000 and both of which claim priority under 35 U.S.C. 119(e) to U.S. Provisional Application Nos. 60/162,230 filed October 29, 1999 and 60/179,020 filed January 31, 2000. In the specification as originally filed, priority under 35 U.S.C. 119(e) to the two prior-filed provisional applications was not shown for PCT/US00/29528.

Application No. 10/687,706
Petition under 37 C.F.R. §1.78(a) dated November 6, 2008

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Accordingly, Applicants respectfully request acknowledgement of the acceptance of their proper claim of priority under 35 U.S.C. 119(e) to the earlier-filed provisional applications.

Applicant further submits herewith an authorization of payment of the surcharge set forth in 37 CFR §1.17(t), and do hereby state that the entire delay, from the date the claim of priority was due under 37 C.F.R. §1.78(a)(5)(ii), was unintentional.

Applicant believes no other fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0102258.00170US2 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: November 6, 2008

/Belinda M. Lew/
Belinda Lew
Registration No.: 53,212
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6000 (telephone)
(202) 663-6363 (facsimile)